



14 JUN 2007

WESTMAN CHAMPLIN & KELLY, P.A.  
Suite 1400  
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Minneapolis, MN 55402-3319

In re Application of :  
IBRAHIM, Nicolas :  
U.S. Application No.: 10/553,535 :  
PCT No.: PCT/FR2004/000958 :  
Int. Filing Date: 16 April 2004 :  
Priority Date: 17 April 2003 :  
Attorney Docket No.: W51-12-0022 :  
For: RADIO DATA TRANSMISSION :  
METHOD, EMPLOYING SEVERAL :  
DIFFERENT PILOT PATTERNS, . . . :

**DECISION**

This decision is in response to the papers filed 25 May 2007 which are treated as a renewed petition under 37 CFR 1.47(b).

**BACKGROUND**

On 18 April 2007, a decision dismissing applicant's petition under 37 CFR 1.47(b) was mailed. The 37 CFR 1.47(b) applicant failed to meet the requirements of item (5) of 37 CFR 1.47(b).

On 25 May 2007, petitioner submitted a response to decision.

**DISCUSSION**

In the initial petition, the 37 CFR 1.47(b) applicant satisfied items (1), (2), (3), (4) and (6) of 37 CFR 1.47(b). With regards to item (5), petitioner claimed sufficient propriety interest in the above-captioned application by way of an employment agreement signed by the nonsigning inventor. A review of the agreement submitted with the original petition demonstrated that the employer was provided with rights of any invention made, including rights abroad. Petitioner also submitted a statement that the nonsigning inventor was employed by Wavecom at the time the invention was made.

However, the statement was deemed unsigned and it was unclear whether the statement was made by a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant. For this reason, item (5) was not yet satisfied.

In the renewed petition, the 37 CFR 1.47(b) applicant argues that the statement was provided in the pre-printed form used for the petition. The signature was on page

10/553,535

1-77 and the form included a statement of first hand knowledge on page 1-75 under (III). A further review of the pre-printed form submitted 14 December 2006 supports these claims. As such, item (5) is now complete.

Accordingly, the 37 CFR 1.47(b) applicant has now met all of the requirements of 37 CFR 1.47(b).

### **CONCLUSION**

Applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at the last known address of record as set forth in the papers filed 14 December 2006 and a notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 April 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 14 December 2006.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302

DATE 6-14-07

APPLICATION NUMBER 10/SS3, S35

DOC CODE let

DOC DATE 6-14-07

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14 JUN 2007

Commissioner for Patents  
United States Patent and Trademark Office  
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Dear Mr. Ibrahim:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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